



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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December 17, 2021

BY ECF

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

**Re: *United States v. Joshua Adam Schulte,*
S3 17 Cr. 548 (JMF)**

Dear Judge Furman:

The Government respectfully submits this letter in response to the defendant's letter dated December 10, 2021 and filed December 16, 2021 (D.E. 643; *see also* D.E. 644 at 5-7) regarding various discovery matters, in order to assist the Court and the parties in addressing them at the conference on December 20, 2021 (*see* D.E. 645).

1. Google search warrant returns (D.E. 643 at 1, 644 at 5). The Government previously informed the defendant that the contents of his email account, joshschulte1@gmail.com, included a classified email and, accordingly, the email contents were produced in unclassified discovery omitting that email, with the classified email produced in classified discovery.

2. Verizon FiOS subpoena returns (D.E. 643 at 1-2, 644 at 5). The Government previously informed the defendant that all records provided by Verizon FiOS have been produced. The Government has confirmed that no further records were received by Verizon FiOS and there are no additional records to produce.

3. Productions 6, 9, and 12 (D.E. 643 at 2, 644 at 6). With respect to the defendant's complaint regarding discovery produced on external hard drives that require external power, the Government has previously informed the defendant that, if he wishes to have the discovery on drives that do not require external power, he should provide those drives to the Government and we will re-copy the discovery. Some of the discovery may be too large to store on drives that do not require external power. The Government understands that the defendant can review drives requiring external power on the unit computer. With respect to the defendant's claim that three of the drives are lost, the Government will address this issue with the MDC.

4. Request for discovery indexes (D.E. 643 at 2, 644 at 6). The Government is not required to provide discovery indexes, and already has provided the defendant with copies of all prior discovery cover letters, which include a general description of the materials provided. The electronic discovery is also generally stored in a folder structure providing a description of the included materials. However, the Government has agreed to provide an index of the produced discovery and will do so upon finalizing such an index.

5. Encrypted partition (D.E. 643 at 2-3, 644 at 6). The electronic evidence described as “SC01” is a copy of the defendant’s home desktop computer, which includes a large volume of child pornography. Any encrypted partition on the hard drive was encrypted by the defendant, and he can decrypt it using his password. With respect to the defendant’s request that the Government produce a duplicate copy of data from the SC01 desktop omitting child pornography, Judge Crotty previously denied that request. (*See* D.E. 513 at 3-4). With respect to the defendant’s request for an extracted copy of the root volume, the Government is exploring that matter with the FBI.

6. Forensic report (D.E. 643 at 3-4, 644 at 6-7). As the Government previously advised the Court and the defendant, the purported report to which the defendant refers does not exist, notwithstanding the matters raised in the defendant's letters. (D.E. 591 at 3-4). As also noted in our prior letter, the Government has produced those materials from the WikiLeaks Task Force to which the defendant is entitled pursuant to prior orders of the Court. (*Id.*). Further discussion of these matters can be provided in a classified setting.

Respectfully submitted,

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